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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,	)	No. CR-11-0436 WHA
	)	
12 Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER TO CONTINUE SENTENCING
13 v.	)	HEARING
	)	
14 MICHAEL WAYNE TODD,	)	
	)	
15 Defendant.	)	
_____	)	
16		

17 The parties jointly request that, subject to the Court's approval, the sentencing hearing  
18 presently set for November 1, 2011 be continued to January 17, 2012 at 2:00 pm.

19 On August 16, 2011, defendant Michael Todd pleaded guilty to being a felon in  
20 possession of a firearm in violation of 18 U.S.C. § 9229(g). The Court scheduled the sentencing  
21 hearing for November 1, 2011. At that time, the defense advised the Court that it may seek a  
22 continuance of the sentencing hearing because November 1<sup>st</sup> is the date that Mr. Todd's baby is  
23 due and his girlfriend would like to be present for the sentencing hearing. Mr. Todd and his  
24 girlfriend are in the process of making arrangements to be married, which they would like to  
25 have completed by the time of sentencing. As anticipated, Mr. Todd's girlfriend will not be able  
26 to be present for the sentencing hearing if held on November 1, 2011. She is concerned that if

1 the hearing is scheduled too soon after November 1, 2011, she will not be able to attend because  
2 the baby will still be too young for her to leave to come to San Francisco for the sentencing.

3 Additionally, the draft PSR indicates that Mr. Todd currently has two detainers: one in  
4 Sonoma County for a state case related to the instant offense conduct, and another detainer for a  
5 potential parole violation. Prior to his sentencing, defense counsel would like the opportunity to  
6 investigate whether these detainers will remain in place and the affect, if any, on the amount of  
7 time he will serve in custody.

8 Accordingly, for the above reasons, the parties jointly request that the sentencing hearing  
9 be continued from November 1, 2011 to January 17, 2012.

10 IT IS SO STIPULATED.

11  
12 October 20, 2011  
13 DATED


\_\_\_\_\_/s\_\_\_\_\_  
DEREK OWENS  
Assistant United States Attorney

14  
15  
16 October 20, 2011  
DATED

\_\_\_\_\_/s\_\_\_\_\_  
JODI LINKER  
Assistant Federal Public Defender

17  
18 IT IS SO ORDERED.

19  
20 October 24, 2011. \_\_\_\_\_  
21 DATED

  
\_\_\_\_\_  
William Alsup  
UNITED STATES DISTRICT JUDGE